

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JUSTIN CODY HARPER,
Plaintiff(s),

vs.

CITY OF REDLANDS, REDLANDS
POLICE DEPARTMENT, POLICE
OFFICER KOAHOU, and DOES
1-10,

Defendant(s).

CERTIFIED COPY

Case No.

5:23-cv-00695-SSS-DTBx

REMOTE PROCEEDING

DEPOSITION OF: COREY GUERRA
TAKEN BY : JAMES R. TOUCHSTONE, ESQUIRE
Commencing : 1:10 P.M.
Location : Rancho Cucamonga, California 91739
Day, Date : Monday, August 19, 2024
Reported by : JOLYNE K. ROBERTS, CSR NO. 10823
JOB No. : 24-141097B

1 that day as far as what I'll call the incident, which is
2 what ultimately led to the arrest of Mr. Harper?

3 So, for example, it's my understanding that you
4 were in a vehicle, a work vehicle that was struck by
5 another vehicle that Mr. Harper was driving.

6 Is that correct?

7 A That is correct.

8 Q All right. And this was a work truck for Dan
9 Guerra, your business; is that true?

10 A Yes, sir.

11 Q And was there anyone in the truck with you?

12 A My stepbrother Joe Garcia.

13 Q And who was driving your vehicle?

14 A Joe Garcia.

15 Q And do you recall where you were when you had
16 that traffic collision with a truck being driven by
17 Mr. Harper?

18 A We were at a stop sign on San Bernardino Avenue.
19 I remember that because we have a job site on that
20 street.

21 Q Okay. And I'm going to, I think, refer you to,
22 at this point in time, your statement, just so we have
23 all those details. If you could bring -- the first page
24 is a three-page statement and has in the bottom
25 right-hand corner RPD0973. And let me know when you have

1 states -- and I'm not going to read this verbatim -- top
2 paragraph, that you provided an interview with a
3 detective on the evening of September 9th at the incident
4 location.

5 Do you recall providing an interview to a law
6 enforcement officer concerning the incident?

7 A Yes, I do.

8 Q Okay. And then going down to the second
9 paragraph, this is the beginning of the summary of your
10 interview with that officer. It says:

11 On Thursday, September 9, 2021, at
12 approximately 1340 hours, Guerra and
13 his brother, Joe Garcia, were stopped
14 in the westbound left turn lane at
15 East San Bernardino Avenue and Church
16 Street in their Chevrolet work truck.
17 While stopped a silver Toyota Tundra
18 traveled north on Church and attempted
19 to make a right turn on East San
20 Bernardino Avenue. The driver of the
21 vehicle, later identified as Justin
22 Harper, lost control of the vehicle.
23 Harper's vehicle back left corner
24 panel struck the back left corner
25 panel of Guerra's vehicle. Guerra

1 looked back and saw Harper drive east
2 on East San Bernardino Avenue and make
3 a right turn onto Joanna Street.

4 First question: Is there anything -- based on
5 your recollection of what you told the detective during
6 that interview, is there anything in that paragraph that
7 appears to be inaccurate in any way?

8 A The only thing is that we were going straight,
9 so we were in a left turn lane. I think that's only a
10 two-lane road anyway. That's all I saw that's
11 inaccurate.

12 Q All right. Now, this Toyota Tacoma truck that
13 was being driven by Mr. Harper says struck your vehicle
14 in the back left corner panel; is that correct?

15 A That is correct.

16 Q All right. And did you, subsequent to this
17 incident, get a chance to look at the damage to your work
18 vehicle?

19 A Can you say that again?

20 Q Yeah. After the arrest incident involving
21 Mr. Harper, were you able to look at your work truck and
22 see what kind of damage had been caused by that vehicle
23 collision?

24 A Yes.

25 Q And could you describe that damage for me,

1 please?

2 A We have a toolbox, built-on toolbox on our work
3 truck, and one of the bottom boxes was completely
4 destroyed, and the door had fallen off.

5 Q And anything else you recall about the damage to
6 your vehicle that was caused by that traffic collision?

7 A A few scuffs, marks, paint damage. Standard
8 stuff, bumper damage. It ended up resulting in our truck
9 being salvaged. They had to total our truck.

10 Q I see. And when that traffic collision
11 occurred, were you yourself injured in any way?

12 A No, sir.

13 Q To your knowledge, was Mr. Garcia injured
14 physically in any way?

15 A Not that I'm aware of, no.

16 Q Okay. And what occurred after that traffic
17 collision with respect to yours and Mr. Garcia's actions?

18 A We were pausing right after contact to see if
19 they were going to stop, the other driver, in which case
20 he did not. He kept going.

21 And shortly thereafter an officer had made the
22 same turn and kind of looked up as to where did he go?
23 So we pointed the direction he went.

24 I had seen the driver make a right on a street,
25 and at that point we turned around and tried to go at

1 A Yes. I do not know the street names offhand,
2 but that's definitely the path of travel.

3 Q Next it states:

4 Guerra turned north on Stoney Court
5 and parked, looking for Harper.

6 Now, does that sound accurate, first off?

7 A Correct, yes.

8 Q All right. Now, while you were pursuing the
9 vehicle that had struck you, were you and Mr. Garcia
10 having any conversation of any sort that you recall?

11 A Only, Which way did he go? That was about it.

12 Q Okay. Had either of you called 911, for
13 example, or the authorities to try to report what had
14 happened to you up until this point in time?

15 A Not up to that point in time. We're talking
16 about a very short amount of time, and first concern was
17 to try to get a license plate or some kind of
18 identification.

19 Q Right. The next paragraph says:

20 While Guerra was parked, Harper ran on
21 foot between the residences at 1560
22 Stoney Court and 923 Kimberly Avenue,
23 toward Guerra's vehicle.

24 Now, would it be fair to say that you did not
25 know the address when you described this to the detective

1 who was taking your statement?

2 A Yeah, that's correct.

3 Q All right. But you did see Mr. Harper, the
4 driver of that truck which had struck you, running on
5 foot around some residences in that neighborhood in the
6 city of Redlands?

7 A Yes, sir.

8 Q All right. Next sentence says:
9 Harper approached Guerra and asked if
10 Guerra could give him a ride. Guerra
11 refused Harper the ride, and Harper
12 ran west and jumped into the backyard
13 of 913 Kimberly Avenue.

14 Again, would it be fair to say that you did not
15 recall the address of 913 Kimberly Avenue, per se?

16 A Yes.

17 Q You just kind of pointed out where these events
18 occurred?

19 A That's correct.

20 Q Tell me about the conversation that you had as
21 Mr. Harper approached the vehicle that you and Mr. Garcia
22 with sitting in. What did you say to him and him to you,
23 to the best of your recollection?

24 A I recall pulling up as he was running out of a
25 side yard, and he ran up to my window. I was on the

1 passenger side, and my window was down, and he asked us
2 for a ride. I replied in a manner and said, absolutely
3 not, or a bad word, and no. And at that moment his eyes
4 showed me that he may or may not have realized that he
5 had hit us, at that point. I don't know that he didn't
6 know; I'm just telling you the look on his face, and he
7 started running.

8 Q Would it be accurate to say that when Mr. Harper
9 came up to your passenger side window to ask you for a
10 ride, that you recognized him as the driver of the Toyota
11 truck which had struck your vehicle?

12 A 100 percent.

13 Q And what did you do after Mr. Harper ran off?

14 A Continued to keep an eye on him and just see
15 where he was going. He did disappear into another
16 backyard through a fence, I believe. And at that point
17 there were -- I don't recall there being any other
18 officers around. Once we saw the officer at the
19 intersection, we did not see the officer again until
20 later in this incident. So we just tried to keep an eye.

21 Q All right. And I'm going to refer you to the
22 next paragraph on your statement. It says:

23 Guerra saw Redlands Police Officer
24 Nick Koahou, driving his patrol
25 vehicle west on Kimberly Avenue.

1 A That's correct, sir. It was a different Street
2 than San Bernardino.

3 Q Okay. And when you say you saw Harper
4 attempting to steal a black Honda four-door vehicle
5 parked in the driveway, can you describe what actual
6 physical actions you saw occur?

7 A He ran through the -- in front of the house by
8 the front door and quickly went to this black vehicle and
9 pulled on the door handle and jumped in the driver's
10 seat.

11 Q Did you see Mr. Harper confronted by anyone when
12 he was taking these actions?

13 A There was nobody outside at that moment.

14 Q Next page of your statement, which in the bottom
15 right right-hand corner has RPD0974. Let me know when
16 you have that.

17 A I do have that.

18 Q All right. It states:

19 Guerra saw a Hispanic male, later
20 identified as Martin Salazar, trying
21 to open the driver's side door of the
22 black Honda.

23 I'm going to pause there for a second. I take
24 it you did not personally know Mr. Salazar; is that
25 correct?

1 A That is correct.

2 Q You just saw a Hispanic male trying to open the
3 driver's side door where Mr. Harper had gotten into the
4 Honda; is that true?

5 A Yes, sir, and he was yelling at the time.

6 Q Do you recall what he was yelling?

7 A I want to say something to the effect of, What
8 are you doing? Get out of my -- I think he said aunt's
9 car or my something car. Hard to hear him; I was a
10 little far away.

11 Q That was my next question. When you observed
12 these actions, approximately how far away were you?

13 A Given that, I would say maybe 30 feet. We
14 were -- we were near the bulb of the cul-de-sac and the
15 house is the last house on that street. So not too far,
16 but I'd say about 30 feet.

17 Q All right. And when you say we, are you
18 referring to yourself and Mr. Garcia?

19 A Yes, sir.

20 Q So describe your actions for me. Did you get
21 out of your vehicle and begin running over towards where
22 you saw Mr. Harper go?

23 A Yes, we both exited the vehicle fairly quickly
24 when we saw that he was trying to operate the vehicle and
25 that the young man had come out of the garage trying to

1 A I believe him to still have been on the driver's
2 side of the car.

3 Q All right. Towards the actual driver's seat or
4 towards the rear of the driver's side of the Honda?

5 A At one point he had tried to open the back door,
6 and it might have been at that time.

7 Q Okay. And when you saw the vehicle kind of back
8 into the cul-de-sac blocking the driveway of that home,
9 where were you located physically?

10 A At that time I believe I had dialed 911 and was
11 speaking with the operator at the end of the cul-de-sac.
12 So the car had ended up pointed directly towards me where
13 I was standing.

14 Q All right. And would it be fair to say that --
15 well, strike that.

16 To the best of your ability, without having a
17 diagram in front of you, can you kind of describe to me
18 your approximate location on that cul-de-sac? For
19 example, were you kind of in the middle of where the
20 cul-de-sac ends or to the east or west side of it, if you
21 know?

22 A Just east of the radius point is where I would
23 be.

24 Q All right. Going down to the next paragraph in
25 your statement, it says:

1 Guerra was on the phone with Redlands
2 Police Dispatch and gave them updates
3 during the incident. While on the
4 phone with dispatch, Guerra saw Garcia
5 strike Harper with his fist in the
6 right side of his neck and head
7 approximately five to six times.

8 Now, Garcia is, I believe, your stepbrother; is
9 that correct?

10 A That's correct.

11 Q So while you were on the phone with the police
12 department, Mr. Garcia had moved closer to the Honda?

13 A He had entered the passenger side of the vehicle
14 by then.

15 Q The front passenger's seat area?

16 A Yeah, that is correct.

17 Q All right. And did you see how he was oriented
18 in that front passenger seat of the Honda? For example,
19 did he have his buttocks down in the seat like someone
20 would typically ride in the car, or was he on his knees
21 facing inward, or something else?

22 A At one point he was facing the driver trying to
23 intervene at that time, but that's all I remember as far
24 as which way he was pointed.

25 Q Okay. And you -- when Mr. Garcia was striking

1 Mr. Harper with his fist on the right side of his neck
2 and head approximately five or six times, did you see
3 what hand he was using to deliver those blows?

4 A His right hand, from what I remember.

5 Q Did you hear Mr. Garcia make any statements to
6 Mr. Harper during the time he was striking Mr. Harper
7 with his fist?

8 A The best I could tell you is I heard muffled
9 yelling.

10 Q Did you hear any words out of Mr. Harper's mouth
11 as this was occurring?

12 A I did not. The driver's door was still shut, so
13 I didn't really hear much from him.

14 Q And if you can orient yourself at the time you
15 were making these observations with respect to the Honda,
16 where would you be standing? On the driver's side? On
17 the passenger side? Front of the vehicle? Rear of the
18 vehicle?

19 A From what I recall, closer to the driver's side.

20 Q Driver's side front of the vehicle or in the
21 middle?

22 A Towards the front.

23 Q Okay. Going down to the next paragraph in your
24 statement, says:

25 Salazar opened the driver's side door

1 of the Honda and struggled with
2 Harper.

3 Do you recall seeing this physical struggle
4 between Mr. Salazar, the young man who initially tried to
5 stop the vehicle from being taken from the driveway, and
6 the driver of the vehicle, Mr. Harper?

7 A I do. I recall that.

8 Q Can you describe that struggle for me, please,
9 to the best of your ability?

10 A As soon as Mr. Salazar got the door open, he
11 reached in aggressively trying to dissuade the gentleman
12 that had taken the car -- I believe you said Mr. Harper.

13 Q Yes.

14 A Trying to break up his arm movements. He's a
15 younger boy, smaller boy -- and I say that probably
16 because he's half my age. But he had his hands trying to
17 get him from reaching the steering wheel, and at the same
18 time Joseph was still trying to intervene and gain
19 control of the vehicle.

20 Q When you say Joseph, you're referring to Joseph
21 Garcia?

22 A That's correct.

23 Q Did you see any other individual involved with
24 the Honda vehicle at this time?

25 A Not at that moment, no.

1 Q Let me ask you this: Did you have any doubt in
2 your mind that the individual who was wearing this type
3 of clothing was a law enforcement officer?

4 A No doubt.

5 Q All right. At this point in time I'm going to
6 play a portion of an audio recording from Officer Koahou
7 for you.

8 We're going to attach this as Exhibit 2 to your
9 deposition.

10 (Defendants' Exhibit 2 was marked for
11 identification and is attached hereto.)

12 MR. TOUCHSTONE: And Jim, again, this is Bates
13 882, and I'm beginning the recording at 4:20.

14 Bear with me one moment, Mr. Guerra.

15 A Yes, sir.

16 [Audio playing]

17 MR. TOUCHSTONE: All right. I'll stop the tape
18 at 4 minutes and 30 seconds.

19 Q BY MR. TOUCHSTONE: Were you able to hear those
20 statements?

21 A I'm sorry, you're speaking to me, right?

22 Q Yes. Were you able to hear the statements that
23 I just played?

24 A I heard a bit of it. Some of it was muffled. I
25 heard 215 and out of the way. Yes, I heard most of it.

1 Q I'm going to go back and play it again,
2 particularly the last part. I just want to ask you a
3 couple of questions about it.

4 A Okay.

5 Q I winding it to 4:20. I'm going to play it
6 again through about 4:30. I'll turn the volume up.
7 Maybe that will help.

8 [Audio playing]

9 Q BY MR. TOUCHSTONE: Were you able to hear that
10 that time, Mr. Guerra?

11 A A little better than last time, yes.

12 Q All right. Now, Officer Koahou -- and I know
13 the record will speak for itself -- but he said something
14 to the effect of 215 the car.

15 Did you have any idea what that meant?

16 A No, sir.

17 Q All right. And then there were some statements
18 to the effect of, Move out of the way; move out of the
19 way. I'm going to shoot him.

20 Did you hear that on the recording?

21 A I did hear that, yes.

22 Q Do you recall hearing that on the actual day of
23 the incident when you were out there physically?

24 A No, sir, I do not.

25 Q When you saw Officer Koahou kind of running up

1 to the vehicle, can you describe for me your location as
2 far as distance from the Honda Accord and whatever the
3 closest point on the vehicle was to you?

4 A I believe at that point once I had waved him
5 over, he ran directly by me within -- within inches. And
6 I must have been 25 feet from the car. I was still in
7 the cul-de-sac, so I bet that's probably a 35-foot radius
8 cul-de-sac. So I bet I was 25 to 30 feet from the
9 vehicle.

10 Q Okay. And if you were to reach your hand out,
11 what would be the closest part of the Honda that you'd be
12 able to touch?

13 A The driver's side headlight for sure.

14 Q Okay. And when you saw Officer Koahou -- I take
15 it he was running towards the Honda?

16 A Absolutely.

17 Q As he was running towards the Honda, did you see
18 him have any weapons in his hands?

19 A He had a Taser.

20 Q Okay. And you're clear it was a Taser and not a
21 firearm?

22 A Yes, it was a bright color, yellow, I believe.

23 MR. TOUCHSTONE: All right. I'm going to play
24 an additional portion of the recording, this is 4 minutes
25 and 30 seconds, and I'll pause it in a certain period of

1 time.

2 [Audio playing]

3 MR. TOUCHSTONE: All right. I stopped the
4 recording at 4 minutes and 40 seconds.

5 Q BY MR. TOUCHSTONE: Did you hear Officer Koahou
6 say, Move out of the way; I'm going to shoot him. Move
7 out of the way; I'm going to shoot him?

8 A I believe I heard it.

9 Q Do you recall hearing words to that effect on
10 the day of the incident directly from the officer?

11 A No, I do not. I do not recall. He must have
12 been at the car at that point.

13 Q Okay.

14 A I was still on the phone with 911, and I was 25,
15 30 feet away.

16 Q And as Officer Koahou got closer to the Honda,
17 did you ever see him -- before you heard the gunshots,
18 did you ever see -- strike that.

19 Where did Officer Koahou go when he got directly
20 up to the Honda?

21 A I think he was on the driver's side.

22 Q And was -- at that point in time was the
23 driver's side door open? Closed? If you know.

24 A It was in between the two. They were still sort
25 of battling, Salazar and the driver at the time. And it

1 went back and forth. So it depends on which moment.

2 Q Understood. And as Officer Koahou is
3 approaching closer and closer to the Honda and yelling
4 words to the effect of get out of the way; get out of the
5 way, did that cause Mr. Salazar to back away from the
6 vehicle?

7 A I believe he did, yes.

8 Q And did Officer Koahou have physical contact
9 with the Honda --

10 A Yes.

11 Q -- such as opening the door or anything to that
12 effect?

13 A Yes, he did.

14 Q What do you recall seeing happen?

15 A I believe that he reached for the door or window
16 and definitely put his hands on it and was able to at
17 that point have access to the vehicle. I don't recall
18 whether he opened the door or if the door was already
19 open, if you will. But he had access at that point and
20 was face-to-face with the driver.

21 Q All right. Can you estimate for me the
22 approximate distance after Officer Koahou pulled that
23 door open, how close did he get to Mr. Harper, if you
24 know?

25 A A few feet.

1 Q And based on your recollection, did Officer
2 Koahou still have that yellow Taser in his hand at the
3 time?

4 A Yes, sir.

5 Q Did you see him have a firearm in the other
6 hand, or was he just armed with a Taser at that time?

7 A Just the Taser. His front hand was up in the
8 air, and his Taser was in his right hand.

9 MR. TOUCHSTONE: Okay. I'm now going to play a
10 portion of the recording again beginning at 4 minutes and
11 40 seconds. And again, this is Bates 882, Exhibit 2 to
12 your deposition.

13 [Audio playing]

14 Q BY MR. TOUCHSTONE: All right. I'm pausing the
15 audio again at 4 minutes and 52 seconds.

16 Did you hear multiple commands by Officer
17 Koahou, Get out; facedown; words to that effect?

18 A Yes, I did.

19 Q Do you recall hearing commands of that sort on
20 the day of the incident being directed towards
21 Mr. Harper?

22 A I do recall some yelling, and I did hear, Get
23 out and, Get down.

24 Q Now, at some point in time did you see or hear
25 or otherwise comprehend that Officer Koahou had deployed

1 his Taser against Mr. Harper?

2 A I did hear it, yes.

3 Q And describe what made you believe that Officer
4 Koahou had deployed his Taser against Mr. Harper.

5 A I heard the sound of the Taser after I believe
6 he said, I'm going to tase you. I heard the sound of the
7 Taser, and then directly afterwards, he had dropped the
8 Taser onto the ground.

9 Q Did you ever hear any words from Mr. Harper that
10 would be consistent with him agreeing to obey any of
11 Officer Koahou's commands like, for example, I'm giving
12 up. Okay, okay, let me get out of the car? Anything
13 like that?

14 A I don't remember hearing him say anything, to be
15 honest with you.

16 Q And after the Taser was deployed, what occurred
17 next, based on your recollection?

18 A After -- almost directly after that I -- I don't
19 know how to time it out, but I heard gunshots. And I was
20 still on the phone with 911 because I was still trying to
21 figure out what street we were on, and I didn't know if
22 the officer had called it in. So I remember telling them
23 that I had heard the gunshots.

24 Q And how many gunshots did you hear?

25 A I believe I heard two.

1 Q And did you see where Officer Koahou was at the
2 time that he fired the two gunshots in relationship to
3 the black Honda?

4 A Yes, on the driver's side of the vehicle at the
5 driver door.

6 Q And when you say at the driver door, can you get
7 a little bit more specific for me, if you could? For
8 example, how far away was he? Was the door open? Shut?
9 Do you recall?

10 A I don't remember if the door was open or shut,
11 to be honest with you. And he was only a few feet away.

12 MR. TOUCHSTONE: All right. And if you'll just
13 bear with me for a moment.

14 THE WITNESS: Sure.

15 MR. TOUCHSTONE: I have a bystander cell phone
16 video taken of what I believe the incident is that we're
17 talking about here that I'm going to show you. I'll tell
18 you in advance it's somewhat small taken from a cell
19 phone from across the street. But I'm going to try to
20 show it to you and see if you are able to recognize
21 anything as far as what's going on.

22 THE WITNESS: Okay.

23 [Video playing]

24 MR. TOUCHSTONE: All right. Can you see a
25 frozen video screen on your screen right now?

1 THE WITNESS: I do see that, yes.

2 MR. TOUCHSTONE: We're at 00 of Bates RPD886.
3 And we'll attach this as Exhibit 3 to your deposition,
4 Mr. Guerra.

5 (Defendants' Exhibit 3 was marked for
6 identification and is attached hereto.)

7 Q BY MR. TOUCHSTONE: So again, we're frozen
8 screen right now, clearly.

9 Do you see my cursor hovering here?

10 A I do.

11 Q There appears to be an individual in a brown
12 shirt standing towards the front passenger side tire of a
13 black Honda in a cul-de-sac. Do you know who that person
14 in the brown shirt is?

15 A It is quite small. That could be -- that could
16 be Mr. Garcia, but if -- I really -- it's so small, I
17 can't see it.

18 Q Fair enough. All right. I'm going to play it
19 forward here, and I'll probably pause it, freeze frame it
20 and do a little bit of that with it. So bear with me a
21 little bit.

22 A Okay.

23 [Video playing]

24 Q BY MR. TOUCHSTONE: Okay. Do you see the
25 individual in the brown shirt? And we're now paused at

1 3 seconds in the video. See the individual in the brown
2 shirt how he walked from the passenger side of the
3 vehicle across the front bumper of the Honda?

4 A Yes, I do.

5 Q Do you have any recollection of seeing somebody
6 standing in front of the front bumper of the Honda?

7 A Not directly, no.

8 MR. TOUCHSTONE: I'm going to continue playing
9 from 3 seconds forward now.

10 [Video playing]

11 Q BY MR. TOUCHSTONE: Were you able to hear the
12 audio of a clicking noise?

13 A Can you do that one more time? I didn't hear.
14 There was a buffering going on.

15 MR. TOUCHSTONE: Oh, okay. Let me try it again.
16 I'm going back to 5 seconds and play Exhibit 3 from 5
17 seconds forward.

18 [Video playing]

19 Q BY MR. TOUCHSTONE: Now pausing at 10 seconds.
20 Did you hear a click?

21 A I did hear a click, yes.

22 Q Is that consistent with the noise of the Taser
23 that you heard on the day of the incident?

24 A Very similar, yes.

25 MR. TOUCHSTONE: All right. Going to continue

1 playing from 10 seconds.

2 [Video playing]

3 Q BY MR. TOUCHSTONE: All right. Did you -- first
4 off, what did you observe in the video there? Were you
5 able to make sense of it? I know the screen is kind of
6 small.

7 A Yes, I remember that happening. I was -- that's
8 when the car took off and launched over the curb right
9 about that time.

10 Q And so the video was consistent with what you
11 observed as far as the actions of the Honda on the day of
12 the incident?

13 A Yes, sir.

14 MR. TOUCHSTONE: I'm rewinding it to 14
15 seconds -- strike that.

16 I'm rewinding it to 13 seconds and play it
17 through one more time.

18 [Video playing]

19 Q BY MR. TOUCHSTONE: Did you hear the pop pop
20 kind of noise?

21 A Yes, sir.

22 Q All right. Was that consistent with the
23 rapidity with which those two shots were fired by Officer
24 Koahou at Mr. Harper, based on your recollection of the
25 incident?

1 A I believe so, yes.

2 Q So it's fair to say that you heard two shots
3 that occurred very quickly in time on the day of the
4 incident from the police officer, true?

5 A True.

6 Q And at the time that those shots were being
7 fired at that vehicle, the Honda was moving forward?

8 A I don't remember it moving forward at the time,
9 but it was very, very fast.

10 Q Okay. At some point in time do you recall
11 seeing the Honda accelerate forward and ultimately go
12 over the curblineline there at Nathan Court?

13 A Yes, I recall that very well.

14 Q Now, I want to take you back to your statement,
15 and I'm now looking at page 2 of 3, the second paragraph
16 from the bottom. Starts with, Guerra heard Koahou order
17 Harper to stop.

18 A I have it.

19 Q Guerra heard Koahou order Harper to
20 stop, or he would be Tased, and
21 immediately heard multiple "clacking
22 sounds" -- and that's in quotes.
23 The Honda's rear wheels were still
24 locked, and the front wheels were
25 continuing to spin. Guerra believed

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CERTIFICATE OF

CERTIFIED SHORTHAND REPORTER

The undersigned Certified Shorthand Reporter of the State of California does hereby certify:
That the foregoing proceeding was taken before me at the time and place therein set forth, at which time the witness was duly sworn by me;
That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed, said transcript being a true and correct copy of my shorthand notes thereof;
That the dismantling of the original transcript will void the reporter's certificate.

In witness thereof, I have subscribed my name
this date: August 27, 2024



JOLYNE K. ROBERTS,
CSR NO. 10823

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)